

## MANSFIELD TOWNSHIP COMMITTEE MEETING

July 10, 2013

This is a regular meeting of the Mansfield Township Committee. The notice requirements of the law have been satisfied for this meeting by notice to the Star-Gazette and the Express Times of the time, date and location thereof. Notice was also posted on the announcement board located in the Municipal Building.

Roll Call: Mr. Smith, Mr. Watters, Mrs. Kocher, Mayor Tomaszewski

Salute to the flag was done by all.

### APPROVAL OF THE MINUTES:

Mrs. Kocher asked about the application for Mansfield Township Fire Company Bingo, she believed that it was voted on and it is not included in the minutes.

Mr. Watters stated that there is a typo on the last page it says we would like to that.

Mr. Watters asked if we had received any word from Shirley Bishop.

Ms. Hrebenak stated that she was speaking to Mr. Pandos today in reference to this.

Mr. Pandos stated that he spoke to Mrs. Bishop and that she is getting the letter ready for the Mayor to sign.

Mr. Watters made a motion to approve the minutes with the corrections, which was seconded by Mrs. Kocher.

Ayes: Mr. Smith, Mr. Watters, Mrs. Kocher, Mayor Tomaszewski

Nays: None

Absent: Mr. Clancy

Abstain: None

### APPROVAL OF THE BILL LIST:

Mr. Smith asked about the purchase of Police Computers.

Mr. Pandos explained that these are the computers for the cars.

Ms. Hrebenak stated that this is for four computers.

Mr. Watters stated that he sees there is a bill for the blank farmland forms and asked if they have all been mailed.

Ms. Hrebenak stated that they have all been mailed out.

Mr. Watters made a motion to approve the bill list, which was seconded by Mayor Tomaszewski.

Ayes: Mr. Smith, Mr. Watters, Mrs. Kocher, Mayor Tomaszewski

Nays: None

Absent: Mr. Clancy

Abstain: None

#### CFO REPORT:

Mr. Pandos stated that the Supreme Court has overturned the decision of Governor Christie to abolish COAH.

Mr. Pandos stated that the Tax Collector began this week and we also received the tax rate so the bills will be going out by next week.

Mr. Pandos stated that he spoke with the Tax Assessor and asked him to call the state in reference to our request for reassessment.

Mr. Pandos stated that the employees have been looking for the supplemental dental insurance and all of the companies require 10 employees so we have not qualified with only 6 employees interested. Mr. Pandos stated that he found a company United Dental that will supply dental for as little as 2 employees.

#### Presentation of the 2012 Annual Audit

Tom Ferry reviewed the 2012 Annual Audit with the Township Committee. Mr. Ferry explained the comments and recommendations to the Township Committee.

#### CLERKS REPORT:

Ms. Hrebenak explained to the Township Committee that the mail machine is nearing the end of the contract and that the company is willing to end that contract and start a new contract for a new mail machine that will be cheaper than the current contract.

Ms. Hrebenak explained that the Township Committee members have all been given a copy of the Bid for the Electric Supplier Service Agreement, but there is a company that Mr. Pandos has been in discussions with that holds an online energy auction and the prices seem that they would work well for the Township.

Mr. Pandos stated that the person that he has been speaking with stated that we could do the auction and are under no obligation to sign up.

The Township Committee agreed to do the online auction and see what the prices are and hold off on the paper bid.

#### PUBLIC PORTION:

Paul Tarlowe- 8 Brookside Avenue spoke to the Township Committee in reference to the Musconetcong Scenic Council and their activities and asked that the Committee consider appointing an alternate for the council.

Don Profrock- spoke with someone from the Musconetcong Watershed and they do not believe in tree removal the only reason that they will remove the trees is if they are blocking the flow of the river.

Mr. Profrock spoke to the Township Committee about the water restriction ordinance and the amount of points that it carries for the Green Team. He asked if this ordinance could be resurrected and be passed.

Mayor Tomaszewski stated that he would not support an ordinance for something that he paid money for.

Carol Thompson, spoke to the Township in reference to the Route 57 Auto Sales and thanked the Mayor and Township Committee and also Mr. DiSessa for the efforts to clean up the Salvage yard.

Mrs. Borden, spoke to the Township Committee in reference to the used car sales at Route 57 Auto Sales and the deed restriction that was filed 60 years ago.

Ryan Moran, 8 Kenley Way eagle scout that would like to do his Eagle Scout project at the Kensington recreational park. He stated that if the Township donates the sign he will install and replace it.

Mr. Smith suggested that the plants be more deer proof.

Mayor Tomaszewski made a motion to approve the Eagle Scout project and authorized Ryan Moran to speak with Mr. Sliker, which was seconded by Mr. Watters.

Ayes: Mr. Smith, Mr. Watters, Mrs. Kocher, Mayor Tomaszewski

Nays: None

Absent: Mr. Clancy

Abstain: None

#### RESOLUTION

#### **TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY**

RESOLUTION # 2013 –84

#### **TITLE: INSERTION OF SPECIAL ITEM OF REVENUE PURSUANT TO N.J.S.A. 40A:4-87, CHAPTER 159**

**WHEREAS**, N.J.S.A. 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, said Director may also approve the insertion of any item of appropriation for an equal amount; and

**WHEREAS**, the Township of Mansfield received \$ 263.87 for Alcohol Education Rehab Enforcement Fund DWI d and wishes to amend its 2013 budget to include a portion of this amount as a revenue

**NOW, THERE, BE IT RESOLVED** that the Township of Mansfield hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2013 in the sum of \$ 263.87 that is now available as revenue from:

Miscellaneous Revenues

Special Items of General Revenue Anticipated with Prior Written Consent

Of the Director of Local Government Services:

Public and Private Revenues Offset with Appropriations:

Alcohol Education Rehab Enforcement Fund DWI

**BE IT FURTHER RESOLVED**, that a like sum of \$ 263.87 be and the same is hereby appropriated under the caption of:

General Appropriations

Operations – Excluded from caps Public and Private Programs

Offset by Revenues:

Alcohol Education Rehab Enforcement Fund DWI

**BE IT FURTHER RESOLVED**, that the Municipal Clerk forward two copies of this resolution to the Director of Local Government Services.

Mr. Watters made a motion to approve the passage of Resolution 2013-84, which was seconded by Mr. Smith.

Ayes: Mr. Smith, Mr. Watters, Mrs. Kocher, Mayor Tomaszewski

Nays: None

Absent: Mr. Clancy

Abstain: None

## RESOLUTION 2013-85

### RESOLUTION FOR CORRECTIVE ACTION PLAN FOR 2012 AUDIT REPORT OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY

**WHEREAS**, Local Finance Notice #92-15 issued July 8, 1992, requires that all municipalities prepare and submit a Corrective Action plan as part of their annual audit process and in accordance with OMB Circulars and #92-15, and

**WHEREAS**, the resolution is submitted to the Division of Local Government Services, Department of Community Affairs and placed on file with the clerk sixty (60) days from the date the audit was received by the governing body, and

**WHEREAS**, the audit report was received on July 5, 2013, and

**WHEREAS**, this corrective action plan resolution has been prepared by the Acting Chief Financial Officer and approved by the governing body of the Township,

**WHEREAS**, William Pandos, the Acting Chief Financial Officer, has prepared a corrective action plan for findings in the 2012 Audit Report of the Township of Mansfield, County of Warren, State of New Jersey, and

**WHEREAS**, the Acting Chief Financial Officer has provided the Township Committee of the Township of Mansfield, County of Warren, State of New Jersey, with a copy of this corrective action plan, and

**WHEREAS**, the Township Committee of the Township of Mansfield, County of Warren, State of New Jersey, have reviewed the findings and the corrective actions of this plan,

**NOW, THEREFORE BE IT RESOLVED**, that the Township Committee of the Township of Mansfield, County of Warren, State of New Jersey approve the corrective action plan and that the Acting Chief Financial Officer of the Township of Mansfield, County of Warren, State of New Jersey, is hereby directed to carry out the Corrective Action Plan for the 2012 Audit Report and have a copy of this resolution forwarded to the Department of Community Affairs.

Mr. Watters made a motion to approve the passage of Resolution 2013-85, which was seconded by Mayor Tomaszewski.

Ayes: Mr. Smith, Mr. Watters, Mrs. Kocher, Mayor Tomaszewski

Nays: None

Absent: Mr. Clancy  
Abstain: None

**TOWNSHIP OF MANSFIELD  
COUNTY OF WARREN, STATE OF NEW JERSEY  
RESOLUTION 2013-86**

**GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT**

**WHEREAS**, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

**WHEREAS**, the Annual Report of Audit for the year 2012 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

**WHEREAS**, R.S. 52:27BB-34 authorizes the Local Financial Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

**WHEREAS**, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations, and,

**WHEREAS**, the members of the governing body has personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

**WHEREAS**, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

**NOW, THEREFORE BE IT RESOLVED**, That the Township Committee of the Township of Mansfield, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Mr. Watters made a motion to approve the passage of Resolution 2013-86, which was seconded by Mr. Smith.

Ayes: Mr. Smith, Mr. Watters, Mrs. Kocher, Mayor Tomaszewski

Nays: None

Absent: Mr. Clancy

Abstain: None

**RESOLUTION # 2013-87  
LIEN REDEMPTION**

**TOWNSHIP OF MANSFIELD**

## WARREN COUNTY, STATE OF NEW JERSEY

**WHEREAS**, the Tax Collector of the Township of Mansfield has advised the Committee that the following property has been redeemed and the money due thereon paid to the Township of Mansfield Tax Collector;

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Mansfield this 10<sup>TH</sup> day of July 2013 that refund is to be made to the certificate holder as noted:

US BANK CUST FOR EMPIRE TAX FUND

2 Liberty Place  
50 South 16<sup>th</sup> Street  
Philadelphia, PA 19102

Block 0601.03 Lot 55  
Certificate # 2010-2  
\$ 44,346.05

Mr. Watters made a motion to approve the passage of Resolution 2013-87, which was seconded by Mayor Tomaszewski.

Ayes: Mr. Smith, Mr. Watters, Mrs. Kocher, Mayor Tomaszewski

Nays: None

Absent: Mr. Clancy

Abstain: None

### **RESOLUTION # 2013 –88 TOWNSHIP OF MANSFIELD WARREN COUNTY, NEW JERSEY SPECIAL EMERGENCY APPROPRIATION (PROPERTY REVALUATION)**

**WHEREAS**, it has been found necessary to make an Emergency Appropriation to meet certain extraordinary expenses incurred, or to be incurred, to conduct a property revaluation for purposes of tax assessments for the Township of Mansfield, Warren County, State of New Jersey and,

**WHEREAS**, NJSA40A:4-53B provides that it shall be lawful to make such appropriation, which appropriation and/or the “special emergency notes” issued to finance the same shall be provided for in succeeding annual budgets by the inclusion of an appropriation of at least one-fifth or one-third of the amount authorized pursuant to this act.

**NOW, THEREFORE BE IT RESOLVED**, (by not less than two-thirds of all governing body members affirmatively concurring) that in accordance with the provisions of NJSA40A:4-55:

- An emergency appropriation is hereby made to conduct a property revaluation for purposes of tax assessments for the Township of Mansfield, Warren County, State of New Jersey in the total amount of \$ 188,050.00.

- That the emergency appropriation shall be provided for in the budgets of the next succeeding years by the inclusion of not less than \$ 37,610.00 which is one-fifth of the total amount as prescribed by law.
- That an “emergency note”, not in excess of the amount authorized pursuant to law, be provided.
- That such note shall be executed by William Pandos, Acting CFO and Ted Tomaszewski, Mayor.
- That said note or notes may be renewed from time to time and at least one-fifth of all such notes and renewals thereof shall mature and be paid in each fiscal year thereafter until they are all are paid.
- That the statement required by the Local Finance Board has been filed with the Clerk and a copy will be transmitted to the Director of the Division of Local Government services.
- That two (2) certified copies of this resolution will be filed with the Director of the Division of Local Government Services; however, no approval is required from the Division.

Mayor Tomaszewski made a motion to approve the passage of Resolution 2013-88, which was seconded by Mr. Watters.

Ayes: Mr. Smith, Mr. Watters, Mrs. Kocher, Mayor Tomaszewski

Nays: None

Absent: Mr. Clancy

Abstain: None

## ORDINANCE

First Reading:

### **ORDINANCE 2013-13**

#### **AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY, ABOLISHING THE BOARD OF RECREATION COMMISSIONERS, AND IN ITS PLACE AND STEAD, CREATING A RECREATION COMMITTEE**

**WHEREAS**, it is the desire of the governing body of the Township to provide for the recreational needs of all citizens of the Township; and

**WHEREAS**, the governing body has in the past entrusted that important task to the

Board of Recreation Commissioners, formed pursuant to N.J.S.A. 40:12-1; and

**WHEREAS**, it is the determination of the governing body that the presently constituted Board of Recreation Commissioners has not provided for the recreational needs of all of the citizens of the Township in the manner the governing body deems best for the Township; and

**WHEREAS**, the governing body, being ultimately responsible for providing such recreational needs of the community, has determined that the same can be best accomplished by abolishing the Recreation Commission and forming a Recreation Committee under the direct authority and supervision of the Mayor and Township Committee; and

**WHEREAS**, the power to abolish the Board of Recreation Commissioners is derived pursuant to the revised statutes of the State of New Jersey, and as affirmed by Board of Recreation Commissioners of the Borough of Rutherford v. Board of Rutherford, 166 N.J. Super. 476 (App. Div. 1979).

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Mansfield, County of Warren, State of New Jersey, as follows:

#### **Section 1**

The title of Section 2-31 of the Township Code is amended to read as follows:

“Recreation Committee”

#### **Section 2**

The existing Section 2-31 of the Township Code is repealed in its entirety, and the following new Section 2-31 is adopted in its place and stead as follows:

**§2-31.1 Establishment.** The Township Committee of the Township of Mansfield, deeming it necessary for the proper and efficient conduct of the affairs of the municipality and particularly so to create a system of recreation programs designed to amuse, entertain and improve the physical fitness and to bring into closer harmony and relationship of the community of Mansfield as a whole, the neighborhoods making up that community and the families abiding therein, too, pursuant to the revised statutes so that the State of New Jersey, hereby establishes



and creates a Recreation Committee.

**§2-31.2 Members.** The Recreation Committee shall consist of five (5) public members to be appointed for alternating three year terms. All such appointments shall be done by Resolution of the Township Committee at an open public meeting on an annual basis. The Mayor may appoint the Chair of the Recreation Committee.

**§2-31.3 Powers.** The Township Committee, through the Recreation Committee, shall have the full and complete authority and power to expend monies raised for and the operation of recreational fields and parks within the Township and all recreation programs thereon.

**§2-31.4 General Regulations.** Said Recreation Committee, in conjunction with and under the supervision of the Township Committee, shall supervise methods and arrangements for the proper maintenance and care of the lands and improvements with the Township Recreation fields and parks and all structures thereon now or hereafter owned by the Township and all recreational programs; shall formulate rules and regulations for the public use of said areas and all recreational programs; shall submit annually the requested budget indicating what sums may be necessary for the performance of the above functions and duties; shall recommend to the Township Committee a schedule of fees and charges to be made for the use of playground or recreational places for utilizing facilities, use of purchase of equipment and uniforms, participating in organized sports and activities and for such other purposes as may be deemed reasonable and proper by the Township Committee; and in all respects operate through and under the direction of the Township Committee in accordance with the administrative procedures and regulations of the Code of the Township of Mansfield. However, the Recreation Committee and its members shall have no power to take any action on behalf of the Township of Mansfield, or to take any other action, other than what is set forth within this subsection.

### **Section 3**

The previously established Recreation Commission of the Township of Mansfield is hereby deemed eliminated and dissolved, and all offices and membership in same which have been created are hereby revoked and

dissolved. Any authority or power any person, or persons, had or was otherwise authorized by the existence of the Recreation Commission is hereby revoked. Any and all funds held by the Recreation Commission, barring any legal limitations, shall be immediately turned over by the Treasurer of the Recreation Commission to the Chief Financial Officer of the Township, and the Chief Financial Officer shall place such funds in the Recreation Trust Fund of the Township.

#### **Section 4**

This ordinance shall take effect immediately after passage.

#### **Section 5**

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

Mr. Watters made a motion to approve the introduction of Ordinance 2013-13 and requested that the public hearing be advertised for July 24, 2013 at 8:00pm, which was seconded by Mrs. Kocher.

Ayes: Mr. Smith, Mr. Watters, Mrs. Kocher, Mayor Tomaszewski

Nays: None

Absent: Mr. Clancy

Abstain: None

Return from Executive Session at 9:12PM.

Roll Call: Mr. Smith, Mr. Watters, Mrs. Kocher, Mayor Tomaszewski

Mayor Tomaszewski made a motion to authorize payment of the bill as discussed in Executive Session dealing with litigation of the Bross matter, which was seconded by Mr. Watters.

Ayes: Mr. Smith, Mr. Watters, Mrs. Kocher, Mayor Tomaszewski

Nays: None

Absent: Mr. Clancy

Abstain: None

Mr. Watters made a motion to approve hiring of Kim Bennett as the township's animal control officer, which was seconded by Mayor Tomaszewski.

Ayes: Mr. Smith, Mr. Watters, Mrs. Kocher, Mayor Tomaszewski

Nays: None

Absent: Mr. Clancy

Abstain: None

Mr. Watters made a motion to adjourn at 9:18PM, which was carried by all.